

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/069,335	02/22/2002	John D. Kondroik, Jr	2031JB.35546 7827	
75	90 06/02/2004		EXAMI	NER
James E Bradley			CROSLAND, DONNIE L	
Bracewell & Pa Suite 2900	atterson		ART UNIT	PAPER NUMBER
711 Louisiana Street			2636	
Houston, TX 77002-2781			DATE MAILED: 06/02/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Application No.   Application No.   Application (No.   Application (No.   Application (No.   Application (No.   Examiner   DONNIE L. CROSLAND   2836	<del>`</del>						
## Defice Action Summary    Examiner		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for mely seconded above is less than striny (30) styps, a reply welfine the attaintory minimum of striny (30) steps with the correspondence of the corr	Office Astinus Communication	10/069,335	KONDROIK, JR ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Ederations of them may be available under the provisions of 3 CFR 1.136(a). In no event, however, mays reply be timely filed in other mays be available under the provisions of 3 CFR 1.136(a). In no event, however, mays reply be timely filed in the period for reply appealed above is less than thely (30) days, a reply with the statutiony milentum of thirty (30) days will be considered timely.  If the period for reply appealed above is less than thely (30) days, a reply with the statutiony milentum of thirty (30) days will be considered timely.  If the period for reply appealed above is less than thely (30) days, a reply with the statution milentum of thirty (30) days will be considered timely.  If the period for reply appealed days the statution period will appeal will suppose (30) MONTH's from the malling date of risk communication. Any reply recited by the Collection of the malling date of this communication, even if sinely filed, may reduce any earned period on the malling date of this communication, even if sinely filed, may reduce any earned period on the malling date of this communication, even if sinely filed, may reduce any earned period on the malling date of this communication, even if sinely filed, may reduce any earned period on the malling date of this communication, even if sinely filed, may reduce any earned period of this communication, even if sinely filed, may reduce any earned period of this communication, even if sinely filed, may reduce any earned period of this communication, even if sinely filed, may reduce any earned period of the malling date of this communication, even if sinely filed, may reduce any earned period of the malling date of this communication.	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the practic of reply specified above, the making date of this communication.  If the practic reply specified above, the meaning make of the communication is the practic of reply specified above, the meaning make of the communication is the practic of reply specified above, the meaning make of the communication is the practic of reply specified above, the meaning make of the specified will apply and will apply six (6) MONTHS from the making date of this communication. If the practic of reply specified above, the meaning make of the scale of the sc			<u> </u>				
THE MAILING DATE OF THIS COMMUNICATION.  - Edentosins of time may be a validable under the provisions of 3 CFR 1.13(8). In no event, however, may a reply be linely filed after SN (8) MCNTIST from the mailing date of bits communication. The SN (8) MCNTIST from the mailing date of bits communication reply within the statuory private from the mailing date of this communication.  - I'ND operation for reply is sealedful above, the maximum tailardory period allogy and will explore XR (8) MCNTIST from the mailing date of this communication. Failure to reply will be privately a status. Any reply records by the "Other than the reply will by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply records plant farm adjustment. Site 37 CFR 1.704(8).  Status  1)	1	ears on the cover sheet with the	correspondence address				
1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-13 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 22 February 2002 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Notice of	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply of NO period for reply is specified above, the maximum statutory period was railure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be ti within the statutory minimum of thirty (30) da rill apply and will expire SIX (6) MONTHS fron cause the application to become ABANDONI	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).				
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U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

5

Application/Control Number: 10/069,335

Art Unit: 2636

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nagura et al.

Nagura shows the vehicle transponder (figures 3, 8, 13, 22, and 31) for transmitting vehicle compliance data; mobile detector means (figures 7, 11, 13, 23) for sending an interrogation signal to the vehicle transponder means and means (52A in figure 3, 20B in figures 7 and 9, 44C in figure 11, 42C in figure 13, and 30D in figure 25) for determining a compliance status based on the vehicle compliance data, see col. 2, col. 3, lines 14-22, and col. 6.

With respect to claims 4 and 13, note EEPROM 114D, col. 24, lines 22 et seq.

With respect to claims 3, 8-10, see col. 18, lines 40-50, and col. 21, lines 39-54...

With respect to claim 5, note radio and microwave, col. 15, lines 56-61.

With respect to claim 6, note first and second antennas in figures 2 and 4-6.

With respect to claim 7, note the IC card 1123D in figure 33, col. 24.

With respect to claim 11, note the change by officials only with respect to the EEPROM 114D, col. 24, lines 22 et seq.

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With respect to claim 12 the signal transmitted by the transponder to the interrogator is a signal whose "frequency" is indicative of the compliance status.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DONNIE L. CROSLAND Primary Examiner

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